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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,331	09/25/2003	Roy Istre JR.	hydra-36	4133
23599	7590	01/25/2006	EXAMINER	
MILLEN, WHITE, ZELANO & BRANIGAN, P.C. 2200 CLARENDON BLVD. SUITE 1400 ARLINGTON, VA 22201			RIVELL, JOHN A	
			ART UNIT	PAPER NUMBER
			3753	

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/669,331	ISTRE, ROY	
	<b>Examiner</b>	<b>Art Unit</b>	
	John Rivell	3753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11/9/05 (election).
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 1-7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11042005</u> . | 6) <input type="checkbox"/> Other: _____  |

Applicant's election without traverse of the species of Group B, Figures 7-8, claims 8-13 in the reply filed on November 9, 2005 is acknowledged.

Claims 1-7 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on November 9, 2005.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stehling et al. (cited by applicant) in view of McCue, Wheeler, Jr. and Kozey.

The patent to Stehling et al., in figure 7 for example, discloses a "sexless coupling member for connecting a fire hose to a fire hydrant or another pressurized source of water on a pumper truck, comprising: an internally threaded (50) collar portion disposed about an axis and having an internally threaded section..., the internally threaded section being adapted to receive an externally threaded neck of a fire hydrant outlet or a pumper truck outlet; a valve support portion at the end of the internally threaded collar, the valve support portion having a radially extending annular surface facing the first end of the internally threaded (50) collar and having an opening therethrough,...; a flapper valve (23) supported on a pintle (83) extending across the opening through the radially extending annular surface; an (inherent) internal ring portion... unitary with the internally threaded collar portion and aligned with the opening through the radially extending annular surface, the internal ring portion having a (support for the ) pintle which supports the flapper valve,... and hooked lugs extending

axially from the external ring and arcuate grooves disposed between the internal and external rings, the hooked lugs and arcuate grooves being adapted to cooperate with a complementary sexless coupling on a hose" as recited in claim 8.

Thus the patent to Stehling et al. discloses all the claimed features with the exception of having 1) an externally threaded section, 2) a gasket seated against the radially extending annular surface and adapted to seal with the externally threaded neck of the fire hydrant outlet or pumper truck outlet; 3) an internal ring portion... with an external thread unitary with the internally threaded collar portion and aligned with the opening through the radially extending annular surface; 4) a pair of opposed holes therein for receiving the pintle... the holes being closed by plugs adjacent the external thread to prevent water passing around the pintles from passing through the holes to locations beyond the threads; and 5) "an external ring having a lower portion with an internal thread for threading with the external thread of the internal ring portion to hold the external ring in integral relation with the internally threaded collar, the externally threaded collar portion having at least one through bore extending therethrough for receiving a locking pin when aligned with the at least one blind second bore in the internal ring to prevent rotation of the external ring with respect to the internal ring after threading the external ring onto the internal ring, the at least one second blind bore having a bottom which prevents pressurized water within the coupling from escaping therefrom through the external ring; an annular seal adjacent to the external thread on the internal collar portion and the internal thread on the external collar portion for sealing between the threads of the internal ring portion and the threads of the external ring only at the juncture of the flats and threads".

Firstly, the patent to McCue discloses that it is known in the art to employ a seal element at 5 "a gasket seated against the radially extending annular surface and

adapted to seal with the externally threaded neck of the fire hydrant outlet or pumper truck outlet" for the purpose of a gasket seated against the radially extending annular surface and adapted to seal with the externally threaded neck of the fire hydrant outlet or pumper truck outlet.

McCue also discloses that it is known in the art to make the hydrant half of the Storz type coupling of two pieces including an upstream portion, including the internally threaded section 6 attached to the hydrant, and a downstream portion which includes the connecting hooks 11, 12, and interconnecting slots mating with the hooks of the other half of the coupling connected to the hose, the two portions being threaded together at 9 and including a fluid tight seal 10 therebetween for the purpose of allowing replacement of the hook portion of the coupling in the event of breakage without removal of the entire coupling half from the hydrant.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in Stehling et al. a seal within the bottom at the right side end of the threaded section 50 for the purpose of a gasket seated against the radially extending annular surface and adapted to seal with the externally threaded neck of the fire hydrant outlet or pumper truck outlet and to employ a tow piece coupling half threaded together and sealed at the interconnection therebetween the purpose of allowing replacement of the hook portion of the coupling in the event of breakage without removal of the entire coupling half from the hydrant as recognized by McCue.

Secondly, the patent to Wheeler, Jr. discloses that it is known in the art to employ opposed bores 41 receiving a single pivot or hinge pin for multiple "D" shaped flapper check valve plates, the bores being closed off by plugs 42 for the purpose of sealingly mounting a central hinge pin across the cross section of a dual "D" shaped flapper type check valve in a manner preventing fluid leakage outside of the conduit.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in Stehling et al. opposed bores receiving a single pivot or hinge pin for multiple "D" shaped flapper check valve plates, the bores being closed off by plugs for the purpose of sealingly mounting a central hinge pin across the cross section of a dual "D" shaped flapper type check valve in a manner preventing fluid leakage outside of the conduit as recognized by Wheeler, Jr.

Thirdly the patent to Kozey discloses that it is known in the art to employ a "locking pin" at 27 for the purpose of locking together two threaded together sections of a hydrant half of a Storz type coupling.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in Stehling et al., as modified by McCue, a "locking pin" for the purpose of locking together two threaded together sections as recognized by Kozey.

Regarding claim 9, note in McCue the "the annular seal (5) is made of rubber". The disclosure of "Rubber" in McCue is considered to include "neoprene" as recited.

Regarding claim 10, note in Wheeler, Jr. a "stiffener (at 23) extending across the opening upstream of and aligned with the pintle" or hinge pin of the valve as recited.

Regarding claim 11, to employ a "second blind bore in the internal ring and a second through bore in the external ring aligned with the second blind bore in the internal ring for receiving a second locking pin" is considered to be a mere duplication of the locking pin 27 taught by Kozey. It has been held that mere duplication of the essential working parts of a device involves only routine skill in the art unless a new and unexpected result is produced. *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

Regarding claim 12, to physically locate "the blind and through bores in alignment with the locations of the projecting hooks extending from the external ring" is

considered to be an obvious design expedient relative to the location of the locking pin bore and hook locations of Kozey solving no stated problem and producing no new and/or unexpected result.


Regarding claim 13, in McCue "the coupling is made of steel or aluminum" as recited.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Rivell whose telephone number is (571) 272-4918. The examiner can normally be reached on Mon.-Thur. from 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Mancene can be reached on (571) 272-4930. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**John Rivell**  
**Primary Examiner**  
**Art Unit 3753**

j.r.